

**FILED**

NOV 15 2004

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U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**KONG ON IMPORT & EXPORT COMPANY**  
12 Ng Fong Street  
Kowloon, Hong Kong

**Plaintiff,**

v.

**Civil Action**

**U. S. CUSTOMS AND BORDER  
PROTECTION BUREAU**  
1300 Pennsylvania Avenue NW  
Washington, D. C. 20229

**Defendant.**

CASE NUMBER 1:04CV02001

JUDGE: Henry H. Kennedy

DECK TYPE: FOIA/Privacy Act

DATE STAMP: 11/15/2004

**COMPLAINT FOR  
INJUNCTIVE RELIEF**

1. This is an action brought under the Freedom of Information Act ["FOIA"], 5 U.S.C. §552, *et. seq.* to enjoin the defendant from withholding from public disclosure certain records of the U.S. Customs and Border Protection Bureau ["Customs"] within their possession and control.
2. This Court has jurisdiction over this action pursuant to 5 U.S.C. §552(a)(4)(B).
3. Plaintiff, Kong On Import & Export Company ["Kong"], is an exporter of merchandise from China.
4. Defendant, Customs, is an agency of the United States.
5. Kong entered into an agreement to ship merchandise from China to Mexico via the port of Los Angeles, California.

6. Customs seized Kong's merchandise at the Los Angeles-Long Beach harbor on May 13, 2003 and assigned case number 2003-2704-000599.

7. In a letter of November 14, 2003 Kong, pursuant to the FOIA, requested Customs to provide all of its records for case number 2003-2704-000599.

8. Customs has never responded to the November 14th FOIA request.

9. Kong filed a FOIA appeal with Customs on January 13, 2004.

10. Customs has never responded to the January 13th FOIA appeal.

11. In a letter dated October 20, 2004 Customs denied Kong's petition for the release of its merchandise based on an administrative record and advised Kong that it had until December 20, 2004 to file a supplemental petition.

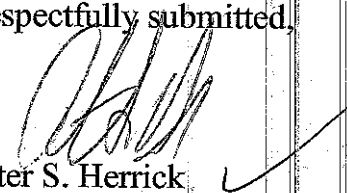
12. Pursuant to 5 U.S.C. §552(a)(6)(C) the failure of Customs to respond to the appeal within the time prescribed by law constitutes a deemed denial.

13. Kong has exhausted its administrative remedies.

WHEREFORE, plaintiff respectfully requests the Court:

1. To take jurisdiction of this cause of action;
2. To order Customs to immediately release the requested records to Kong; and,
3. To grant such other and further relief as the Court may deem proper and just.

Respectfully submitted,

  
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